



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE
400 FERNANDEZ JUNCOS AVENUE
SAN JUAN, PUERTO RICO 00901-3299

REPLY TO
ATTENTION OF

Antilles Regulatory Section

PUBLIC NOTICE

AUG 05 2003

Environmental Impact Statement

Scoping Process

Invitation for Comments

TO WHOM IT MAY CONCERN: The purpose of this notice is to invite interested parties to provide written comments as part of the Scoping Process for an Environmental Impact Statement (EIS). The Jacksonville District of the U.S. Army Corps of Engineers (Corps) intends to prepare a Draft Environmental Impact Statement for the Caño Martín Peña Rehabilitation Project being proposed by the Puerto Rico Highway and Transportation Authority (PRHTA). The purpose of the Scoping Process is to provide an early and open process to determine the scope of the issues to be addressed and analyzed in the EIS, pursuant to Section 102 of the National Environmental Policy Act (NEPA) (42 U.S.C, 4371 et seq., 43 CFR Section 1501.7).

PROJECT NAME: Environmental Impact Statement for the Caño Martín Peña Rehabilitation Project.

LOCATION: Puerto Rico

BACKGROUND: On May 2001, the Planning Division of Jacksonville, Corps of Engineers (Corps), prepared a report title Dredging of Caño Martín Peña, Project Design Report and Environmental Impact Statement. This study was performed under the Support for Others Program at the request of the Puerto Rico Department of Natural and Environmental Resources (DNER). This report included a description of the study area's problems, several dredging and disposal alternatives, a detailed design for the sponsor's preferred alternative and a preliminary draft Environmental Impact Statement (EIS) of the recommended project. Also, a partial list of relevant previous studies performed by private firms and governmental agencies in the project area is included in the report. The Project Design Report considered four alternatives that would vary in the size and shape of the channel. According to this report, these alternatives were evaluated on the basis of their construction method and cost, environmental impacts, real estate requirements, impacts to bridges and utilities, disposal of dredged material, project operation and maintenance, tidal flow capacity, and the recreation and navigation potential. These alternatives are as follows:

Alternative 1: Considered dredging a trapezoidal earth channel with a width

between 150 to 230 feet and 10 feet depth. It would require the dredging of approximately 550,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends for about 11,600 feet to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 2: Considered vertical concrete piles with connecting concrete panel walls with earth bottom with a width between 150 to 230 feet and 10 feet depth. It would require the dredging of approximately 750,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends for about 11,600 feet to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 3: Consisted of a very limited channel clean up, cutting a trapezoidal channel section of 70 feet width by 3.5 feet deep and constructing a maintenance access road along the eastern half of Caño Martín Peña. It would require the dredging of about 25,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends for about 11,200 feet to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 4: Similar to Alternative 2 with some modifications, this was the recommended alternative. Consisted of a rectangular channel with vertical bulkhead system. This project would require the dredging of approximately 750,000 cubic yards of mixed material along the existing channel between the bridge of Luis Muñoz Rivera Avenue and the San José Lagoon to provide a variable width of between 150 and 230 feet, and a depth of 10 feet. A transition from channel depth of 10 feet to a depth of 6 feet would be provided where the channel reaches San José Lagoon. This alternative requires replacement of existing bridges at Luis Muñoz Rivera and Barbosa Avenues.

All of the these alternatives would require the relocation of people, houses, and utilities in the area as well as the acquisition and relocation of some structures along the channel alignment. The no-action alternative was also considered in the Project Design Report. The report stated that no-action alternative would lead to further environmental degradation of the San Juan Bay Estuary, to a complete blockage of the channel by garbage and debris accumulation and continued construction of structures on the filled up waterway, and to continue the social stress associated with frequent flooding, deteriorated air and water quality, and life threatening health hazards. The report also evaluated three alternatives for the disposal of the dredged material, in terms of their proximity to the project area, special handling, transportation requirements, environmental benefits, environmental impacts, and their overall cost. The disposal alternatives were as follows: (1) ocean disposal; (2) land disposal; (3) and in-bay disposal. The study recommended in-bay disposal to fill two of the largest deep holes located at Los Corozos and San José Lagoons.

The PRHTA is now the lead from the Commonwealth of Puerto Rico for the proposed rehabilitation of Caño Martín Peña (CMP) in the Municipality of San Juan, Puerto Rico. The firm Moffatt and Nichol Engineers on behalf of the PRHTA prepared the document titled "Caño Martín Peña Waterway Improvements" dated December 2002, where the above-mentioned alternatives presented in the document Dredging of Caño Martín Peña, Project Design Report and Environmental Impact Statement were also reviewed. This document evaluated an additional alternative which consists of a rectangular 10 feet deep, 180 feet wide and 10,500 feet long channel with realignment and vertical steel bulkhead system. The recommended alternative in the document prepared by the firm Moffatt and Nichol Engineers is the same as the recommended alternative presented in the report prepared by the Corps in May 2001.

The PRHTA's proposal includes the following elements:

- a. Dredging the CMP in the segment between the bridge on Muñoz Rivera Avenue and the San José Lagoon.
- b. Discharge of fill material over open waters and/or wetlands.
- c. A conservation strip and greenway at the CMP banks, which will include mangrove mitigation, trails and recreational areas that will allow pedestrians to interact with the CMP.
- d. Construction of a vehicular, pedestrian and cyclist transportation corridor parallel to the CMP and its conservation strips.
- e. Relocation of approximately 1,100 structures (family homes and small businesses) that would be affected by the proposed project.
- f. Construction of a sanitary sewer and storm water system to eliminate the disposal of wastewater into the CMP. Improvements of existing systems to correct the interconnections between storm water and sewer systems.
- g. Improvements to the potable water distribution system within the perimeter of influence of the project.

The primary purpose of this project is the environmental restoration of the eastern portion of Caño Martín Peña, which includes restoring the water flow between the San José Lagoon and the San Juan Bay. It would also benefit eight low income communities surrounding the CMP. However, the proposed action would cause significant impacts, including individual and cumulative effects to the mangroves-wetlands, and aquatic resources, human environment, and type of land use (residential

and commercial). The public health or safety could be affected since the sediments to be dredged in the CMP were determined to be polluted. Also, the proposed project could impact cultural resources. No endangered or threatened species are known to exist within the project area.

Pursuant to Section 10 of the Rivers and Harbors Act structures the Corps has regulatory authority over structures and/or work in or affecting navigable waters of the United States. Under Section 404 of the Clean Water Act, the Corps of Engineers has regulatory authority to permit the discharge of dredged or fill material into wetlands and other waters of the United States. The guidelines pursuant to Section 404(b) of the act require that impacts to the aquatic environment be avoided and minimized to the extent practicable.

In determining whether to issue a permit, the Corps must also comply with other requirements including, but not limited to, the Endangered Species Act, the National Environmental Policy Act, the Coastal Zone Management Act, the Magnuson-Stevens Fishery Conservation and Management Act; Section 401 of the Clean Water Act, and other applicable Federal laws. Modifying land for new uses also involves zoning, land use planning, water management, and other regulatory/planning requirements at the local, Commonwealth, and Federal level.

PURPOSE:

The purpose of this EIS is to: (1) establish a better foundation of information and knowledge of existing conditions; and, (2) identify and assess alternative.

PRHTA has presented four alternatives for the Caño Martín Peña Rehabilitation Project Puerto Rico. These alternatives are as follow:

Alternative 1: A trapezoidal earth channel, 11,600 feet long, a width between 150 feet to 230 feet and 10 feet depth. It would require the dredging of approximately 550,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 2: A rectangular channel with vertical steel piles, 11,600 feet long, a width between 150 feet to 230 feet and 10 feet depth. It would require the dredging of approximately 750,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 3: A triangular channel, 11,200 feet long, 70 feet wide and 3.5 feet deep. It would require the dredging of approximately 25,000 cubic yards of mixed materials from the CMP. The proposed channel dredging would follow the existing CMP channel alignment beginning at San José Lagoon and extends to end west of the Luis Muñoz Rivera Avenue Bridge.

Alternative 4: The realignment of the channel by dredging a rectangular channel with vertical steel pipes, 10,500 feet long, 180 feet wide and 10 feet deep, causeway. It would require the dredging of approximately 730,000 cubic yards of mixed materials from the CMP.

The dredged material would be disposed in deep holes located at San José and Los Corozos Lagoon. The debris material would be temporary discharged in an upland area and would be permanent disposed in an approved sanitary landfill.

In addition to the above alternatives, the no action alternative and other alternatives identified in the Corps Dredging of Caño Martín Peña, Project Design Report and Environmental Impact Statement would also be considered, as well as any other alternative or alternative project identified during the Scoping Process.

COMMENTS:

The Corps hereby solicits comments from the public, Federal agencies, State and local agencies and officials, and any other interested parties on the scope of this EIS. If possible, please provide within the body of the comments a one sentence synopsis of the particular issue concerned. Comments may be made on more than one issue. After consideration of the comments, the Corps will define the scope of the EIS.

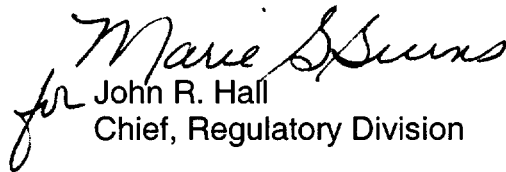
In the evaluation of the alternatives, the EIS will consider impacts on protected species, health, conservation, economics, aesthetics, general environmental concerns, wetlands (and other aquatic resources), historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people, and other issues identified through scoping, public involvement, and interagency coordination.

Any other views, opinions, or information are also welcomed and will be considered by the Corps in the determination of the scope.

SUBMISSION OF COMMENTS: Comments should be submitted in writing to the Chief, Antilles Regulatory Section at the letterhead address not later than 30 days from the date of this Public Notice.

INTERESTED PARTIES: Anyone interested in receiving future communications and/or published information regarding the preparation of this EIS should provide the information on the attached sheet.

QUESTIONS: If you have any questions on this public notice, you may contact Miss Gisela Román at the letterhead address, or by telephone at (787) 729-6905/6944, extension 3062, or by electronic mail to Carmen.G.Roman@saj02.usace.army.mil.


for John R. Hall
Chief, Regulatory Division

Interested in the EIS Process for Caño Martín Peña Rehabilitation Project

If you are interested in receiving future communications and/or published information regarding the preparation of the Environmental Impact Statement (EIS) process for the Caño Martín Peña Rehabilitation Project, provide the information below and provide as follows:

By mail: Mr. Edwin E. Muñiz
Chief, Antilles Regulatory Section
400 Fernández Juncos Avenue
San Juan Puerto Rico 00901

By Fax: 787-729-6906

By Email: Carmen.G.Roman@saj02.usace.army.mil

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